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ABSTRACT

The Due Care paradigm for the successful restructuring of organizations is presented in this paper, with attention to the paradigm's role in creating a fundamental shift from vertical (top/down) decision making to shared governance. The first section explains how due care is linked to three legal terms in tort law--substantive due process, due diligence, and due regard. The five principles of substantive due process include knowledge of expectations, assistance, results, corrective action, and many chances. Due diligence is a proactive quality-assurance process that provides logistical support for due care. Due regard embodies the essence of caring and respect. The second section presents an example of due care in action, using the concept of the "learning thermostat" to show how the due care paradigm is a nurturing paradigm. The third section provides examples of the application of the due care paradigm to such organizational concerns as employee termination and management by objectives. One figure illustrates the due care model of school leadership. (LMI)

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THE DUE CARE PARADIGM OF SCHOOL LEADERSHIP

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THE NURTURING PARADIGM: DUE CARE

For successful restructuring of organizations to occur, a fundamental paradigm shift from vertical top/down decision making to a shared governance, must occur. Due Care is the paradigm that makes success more probable.

The term Due Care appears in tort law. The concept is greatly enhanced when linked to three additional legal terms in tort law: Substantive Due Process, Due Diligence and Due Regard.

Due Care in training has three fundamental elements: Substantive Due Process (SDP); Due Diligence (DD); and Due Regard (DR).

Substantive Due Process

Substantive Due Process consists of five principals. The principals are interrelated and are interdependent to form an independent paradigm. The principals are defined here as questions to be asked of an executive helping an employee. Each of the principals are preceded by the letters "KO", meaning knowledge of. Thus the first principle in substantive due process is KOE: Knowledge of Expectations.

1. KOE: Knowledge of Expectations

   In skilled helping, the helpee must know what is expected of him or her and have an opportunity to influence (not decide) what is expected.

2. KOA: Knowledge of Assistance

   The helpee must be assisted to meet each of the expectations that were provided by the helper and which were influenced by the helpee.

3. KOR: Knowledge of Results

   Knowledge of Results is an absolute requirement for successful learning to occur. The helpee must have accurate feedback from the helper in a timely manner so that he or she knows how well or how poorly the performance required by the expectations has taken place.

4. KOCA: Knowledge of Corrective Action

   This principle is a higher requirement of KOA: Knowledge of Assistance. It requires the helper to identify the specific expectations that the helpee has failed to meet satisfactorily and to help design with the helpee corrective actions so that the helpee will be successful.

5. KOMC: Knowledge of Many Chances

   Substantive Due Process is not one trial affair. Success takes time; it requires many chances. The helper cares enough to repeat SDP many times.

   SDP may not eliminate failure; it will certainly diminish it-- whether that failure be in school, or failure at the workplace, or failure at home. It is a fundamentally fair process. It lies at the heart of Management By Objectives (MBO) and the best practices known in education and training. Psychologists see it as a framework for successful interpersonal relationships.

Due Diligence

Due Care is a Proactive paradigm. The mind-set is to anticipate, to prevent failure, to take action to enhance the possibility of success.

Due Diligence is best thought of as quality assurance. Using KOE as its target, it actively senses what is actually occurring and takes corrective action at the time of need to assure success. Due Diligence is the repository of Good Practice -- the "What Works" in professional practice. It is the center for logistical support for Due Care, providing the necessary training procurement, and maintenance of technology required to render assistance (KOA) and to provide the feedback (KOR).

Due Regard

Due Regard is the foundation of Due Care in training because it embodies the essence of caring. If I care for you I discipline myself to serve your needs. I see myself as the steward of your becoming all that you can become.

Due Regard technically is fundamental respect for each person by virtue of his or her being a person. The Supreme Court has ruled that this fundamental respect is owed each person regardless of gender, age race, religion, physical handicap or any other similar characteristic that may be prejudicial to respect.

Due Regard infused in Substantive Due Process and Due Diligence brings the commitment of the life preserving and life enhancing process we call caring.

The secret in helping an "other" whether the help is for a person, or a cause, or an animal or even a thing (like a car or farm) is to care for it.

THE LEARNING THERMOSTAT: An Example of Due Care in Action

It often helps to make a concept "tangible". The temperature thermostat is a good model of Due Care in action. When applied to education and training it can be aptly termed, a learning thermostat.

The temperature thermostat has four essential parts: a target, empirically obtained; a sensor to know when the target is reached; feedback of what is sensed to a source of corrective action; and, the corrective action itself.

Each of the elements of substantive due process is illustrated by the thermostat.

KOE: The temperature expected range to be achieved (empirically found to be between 68 degrees and 72 degrees).

KOR: The sensor provides feedback on results. It measures the actual results achieved by the system's process. It doesn't "blame".

KOA: The sensor's feedback goes to an "other" that cares", ie, a heat pump that assists by providing cool air or hot air.

KOCA: The corrective action is supplied when needed by the actual flow of hot or cold air.

KOMC: Whenever there is a need as shown by the sensor and the feedback, the corrective action occurs, ie, there are many chances for success.

The thermostat is an example of due diligence. It is proactive. It is designed to take action. It is constructed to with the intent to be a successful system.

The **Learning Thermostat** for training, by analogy, illustrates the due care paradigm. It demonstrates why this is a *Nurturing Paradigm*.

KOE: The system communicates what its employees and its partners must know and be able to do to be successful. Each of the partners and allies know what is expected and know they have an opportunity to influence (not decide) what is expected.

KOA: There is assistance in the form of training, leadership, good management and good practice (what works) so that the expectations can be successfully achieved.

KOR: There is, in place, a system for timely evaluation and feedback so that the partners know how well or how poorly they are performing.

KOCA: Because due diligence is present, logistical support is available, as needed, when what is expected is not being achieved.

KOMC: The system is an open system; it responds many times to signals of malfunction. It is a zero-reject system where everyone can be a winner.

DUE CARE IN ACTION

Due Care in an organization brings skills to the caring partnership and in relationships between the organization and the communities in which they operate.

Five Primary Elements:

1. Expectations
2. Assistance
3. Results
4. Corrections
5. Success

We can recognize the elements of Due Care in organizations by considering the protection now available through the courts in matters of job security. Employers wanting to terminate a staff member because of the allegation of inadequate service must first demonstrate:

1. The person knew what was expected and had adequate opportunity to influence those expectations (Knowledge of Expectations).

2. The person was helped to fully meet each of the expectations (Knowledge of Assistance).

3. The person had full and documented knowledge of how well or how poorly he or she was meeting what was expected (Knowledge of Results).

4. The person knew about and was given specific ways to take corrective action to overcome any poor performance of an expectation (Knowledge of Corrections).

5. The person knew of and received opportunities to try again and again to be successful (Knowledge of Success).

Administrators can recognize the elements of Due Care in Organizations by considering the essence of a useful approach to management: Management by Objectives.

Business executives can recognize the soundness of Due Care through a study of the research . The research shows that achievement is markedly improved when:

1. Each employee knows what is expected of him or her and has an opportunity to influence those expectations (Knowledge of Expectations).

2. Each employee knows about and has ample opportunity and encouragement to seek assistance and is actively helped to master the expectations through the use of good practices. (Knowledge of Assistance)

3. Each employee has timely communication of the results of his or her efforts to master what is expected. (Knowledge of Results)

4. Each employee is given specific ways to correct lack of success in meeting particular expectations. (Knowledge Corrective Actions or Corrections)

5. Each employee is given many chances to be successful and is encouraged to be persistent as well as rewarded for success. (Knowledge of Many Chances or Success)

This Presentation is based on material written by Dr. Leon Lessinger, The Andrew A. Robinson Chair, Educational Policy and Economic Development, the University of North Florida. Ideas and content for this presentation were taken from a presentation done by Dr. Lessinger for the Oklahoma LEAD Project in April, 1991.

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Bill Osborne, Director, Oklahoma LEAD Project, March 1992

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